

**REMARKS**

Claims 1-19 are pending in this application. By this Amendment, claims 1, 4 and 11 are amended to recite that the fuel cell is operated at reduced output instead of "partially restarted". Support can be found, for example, in paragraph [0029] of the specification as filed. Claims 1 and 4 are amended to recite "while the start switch is in an off position and said fuel cell system is operating only to supply power to auxiliary equipment of the fuel cell system". Support can be found, for example, in paragraph [0029] of the specification as filed. No new matter is added.

Applicants appreciate the courtesies shown to Applicants' representative by Examiners Cantelmo and Wang in the September 11, 2008 personal interview. Applicants' separate record of the substance of the interview is incorporated into the following remarks.

**I. Overview Of Disclosed Embodiments**

In accordance with one embodiment, an electric automobile 10 has a fuel cell system 15. The electric automobile 10 includes a start switch 58 that is used to "globally start and stop the vehicle system" (paragraph [0027]). As the start switch is moved to the OFF position, the operation of the fuel cell system 15 is stopped (*id.*). The fuel cell system 15 includes a fuel stack 20, a controller 40, and a first temperature sensor 31 that senses the temperature T1 of the coolant that flows through the fuel cell stack 20 (Fig. 1). Controller 40 includes temperature-maintenance operation controller 42 that, when the switch 58 is in the OFF position, repeatedly executes a temperature-maintenance operation control processing routine (paragraph [0027]).

A flowchart of the temperature-maintenance operation control processing routine executed by the temperature-maintenance operation controller 42 is shown in Fig. 3. In particular, at step S110, the temperature-maintenance operation controller 42 checks if the temperature T1 of the coolant is greater than or equal to the reference temperature TA1,

which is the temperature at which the water in the fuel stack 20 might freeze. If the temperature T1 is less than the reference temperature TA1 (Fig. 3, step S110), the temperature-maintenance operation controller 42 commences the temperature-maintenance operation (paragraph [0029]). Specifically, the controller 40 drives a hydrogen supply apparatus 24 and the blower 26 to supply hydrogen and air to the fuel cell stack 20 to keep it from freezing (*id.*). During the temperature-maintenance operation, the fuel cell stack 20 output is limited to that necessary to operate the components necessary to maintain the temperature of the fuel cell stack 20 (*id.*), but the output does not drive the motor 56 because the motor 56 is OFF.

## **II. Claim Rejections**

### **A. Rejection Under 35 U.S.C. §122, First Paragraph**

The Office Action rejects claims 1-19 under 35 U.S.C. §112, first paragraph, as allegedly failing to comply with the written description requirement. Applicants respectfully traverse the rejection.

In paragraph d, the Office Action alleges that there is no support for the feature in claims 1, 4 and 11 that the temperature maintenance operation controller is configured to operate when the ignition key is in the OFF position. By this Amendment, the claims are amended to recite that the temperature-maintenance operation controller is configured to operate when the start switch is in the OFF position. Support can be found, for example, at paragraph [0027] of the specification as filed.

In paragraph e, the Office Action alleges that there is no support for at least partially restarting the fuel cell. By this Amendment, the claims are amended to recite that the fuel cell is operated at reduced output, as proposed in the Office Action.

As agreed at the personal interview, the rejection should be withdrawn.

**B. Rejection Under 35 U.S.C. §112, Second Paragraph**

The Office Action rejects claims 1-19 under 35 U.S.C. §112, second paragraph, as allegedly being indefinite. Applicants respectfully traverse the rejection.

In paragraph f, the Office Action asserts that claims 1, 4 and 11 are indefinite because it is not clear how the temperature-maintenance controller can operate when the fuel cell system is not operating. Claim 11 does not recite the feature that the fuel cell is not operating when the temperature-maintenance operation is performed, so the rejection as to claim 11 and those claims dependent on claim 11 is moot. By this Amendment, independent claims 1 and 4 are amended to recite "while the start switch is in an off position and said fuel cell system is operating only to supply power to auxiliary equipment of the fuel cell system". Paragraph [0029] of the specification as filed, for example, states that the fuel cell stack 20's output is "limited to the level necessary to cover the amount of power consumed by the fuel cell auxiliary equipment". This feature is consistent with the fuel cell being operated at reduced output during the temperature-maintenance operation, as discussed below.

In paragraph g, the Office Action asserts that claims 1, 4 and 11 are indefinite because it is not clear what is meant by the fuel cell stack 20 partially restarting. By this Amendment, the claims are amended to recite that the fuel cell is operated at reduced output. Support for this amendment can be found, for example, in paragraph [0029] of the specification as filed.

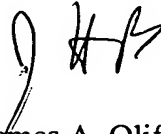
For the foregoing reasons, Applicants request withdrawal of the rejection.

**III. Conclusion**

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



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Attachment:  
Request for Continued Examination

Date: September 24, 2008

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